

## **REMARKS**

[0007] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 2, 4-5, 7-9, 11-18, 20-26, 28, 30-35, 37-41, 44, 45, 47-62, 64-68, 70-79, 82-87 and 89-90 are presently pending. Claims 1, 7, 15, 21, 33, 41, 47, 52, 58, 66, 77 and 84 are amended herein. Claims 6, 27, 36, 80 and 88 are canceled herein. No new claims are added herein.

### **Formal Request for an Interview**

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims and there only issues that remain are minor or formal matters, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

### **Claim Amendments**

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 7, 15, 21, 33, 41, 47, 52, 58, 66, 77 and 84 herein. Applicant amends claims to highlight claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to highlight the claimed features,

and should not be construed as further limiting the claimed invention in response to the cited reference.

[0011] The amendments to claims 1, 15, 21, 33, 41, 58, 66, 77 and 84 are directed towards claim groupings, metadata associated with one or more nodes, the subscription and communication of an event and the dynamic updating of interrelated nodes. Support for these amendments to is found in the specification at least at pages 11-12 and 43-46.

## **Substantive Matters**

### **Claim Rejections under § 102**

[0012] Claims 1, 2, 4-9, 11-18, 20-28, 30-41, 44, 45, 47-62, 64-68, 70-80 and 82-90 are rejected under 35 U.S.C. § 102. In light of the amendments presented herein and the discussion during the above-mentioned Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0013] The Examiner's rejections are based upon *Rudolph, et al.*, US Patent Application Publication No. 2004/0267778 (Published December 30, 2004).

### **Overview of the Application**

[0014] The Application describes a media timeline. In an implementation, a method includes receiving a request from an application at an application programming interface (API) to interact with a plurality of media. Based on the request, a media timeline is generated. The media timeline is for exposure via the API to the application and includes a plurality of nodes. The media timeline defines a presentation of a first

media referenced by a first node with respect to a second media referenced by a second node.

### **Cited Reference**

#### **Rudolph**

[0015] Rudolph describes an application programming interface for a multimedia processing system that creates a topology symbolically providing data flow information. A method provides a topology interface including receiving a plurality of media parameters identifying at least an identifier, a node type, a data type and a duration, and in response, creating a topology capable of being passed to a media processor as an extensible symbolic representation of an intended media flow. A computer-readable medium stores a topology function includes a first input parameter representing a unique identifier, a second input parameter representing a state of a topology, a third parameter representing a descriptor for the topology, a fourth parameter representing one or more characteristics about a node of the topology, and executable instructions adapted to provide a topology capable of being passed to a media processor as an extensible symbolic representation of an intended media flow calculated based on at least one of the input parameters.

### **Anticipation Rejections**

[0016] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected

claim.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.<sup>2</sup>

### **Based upon Rudolph**

[0017] The Examiner rejects claims 1, 2, 4-9, 11-18, 20-28, 30-41, 44, 45, 47-62, 64-68, 70-80 and 82-90 under 35 U.S.C. § 102(a) as being anticipated by Rudolph. Applicant respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

[0018] Applicant submits that the Rudolph reference was improperly applied under 35 U.S.C. § 102(a). The publication date for the Rudolph, as listed on the US Patent Publication, is December 30<sup>th</sup>, 2004. The filing date of the instant Application is February 19<sup>th</sup>, 2004. Thus, the Rudolph reference does not qualify as a valid § 102(a) reference. However, Applicant notes that Rudolph does qualify as a valid § 102(e) reference because of the October 23<sup>rd</sup>, 2003 filing date. Thus, Applicant will assume the Examiner intended to reject the pending claims under § 102(e) and not § 102(a), as indicated.

[0019] Furthermore, Applicant submits that in an event the Rudolph reference is maintained in the rejection and combined with another reference under § 103(a) in order to reject the pending claims, then Applicant respectfully requests that the Examiner

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<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

remove U.S. Patent Application Publication 2004/0267778 to Rudolph et al. as a prior art reference in prosecution of the instant Application as a result of the following statement as set forth in the Manual of Patent Examining Procedure, 706.02(l)(2) II.

[0020] The instant Application and the cited reference, U.S. Patent Application Publication 2004/0267778, were, at the time the invention of the instant application was made, subject to an obligation of assignment to Microsoft Corporation. Applicant respectfully submits that the cited art, U.S. Patent Application Publication 2004/0267778, only qualifies as prior art under § 102(e), and shared a common assignee with the instant Application at the time the subject matter of the instant Application was conceived. Thus, in an event U.S. Patent Application Publication 2004/0267778 is cited in combination with another reference under § 103(a), then U.S. Patent Application Publication 2004/0267778 should be disqualified under § 103(c).

### Independent Claim 1

[0021] Applicant submits that Rudolph does not anticipate this claim because it does not disclose at least the following features as recited in this claim, as amended (with emphasis added):

- “the media timeline is configured for ***dynamic creation*** such that at least one node is created while the media timeline is being rendered;” and
- “at least one node includes metadata, the metadata describing: ***a collection of additional nodes to be dynamically modified*** when the media timeline is rendered.”

[0022] The Examiner indicates (Action, p. 2-3) the following with regard to this claim:

1. As per claim 1, Rudolph teaches: receiving a request, from an application at an application programming interface (API) [API of 0005], to interact with a plurality of media [media processor for processing received media data of 0006]; and generating a media timeline based on the request [determine timeline of 0006], wherein the media timeline: is for is exposed to the application via the API; includes a plurality of nodes and defines a presentation of a first said media referenced by a first node with respect to a second media referenced by a second node [a media session to determine a timeline for events to occur for performing media processing and a topology loader configured to ensure that events in the topology occur of 0006; the topology can have several nodes of 0007; nodes of Figure 6], wherein: the first and second nodes are configured as parallel nodes such that the first node that is a child of a parent node is rendered concurrently with the second node that is a child of the same parent node [parallel nodes of 0045]; and the media timeline is configured for dynamic creation such that at least one node is created while the media timeline is being rendered [topology enables dynamic adding and removing of 0006; and dynamic concept that allows switching/swapping of nodes without affects other nodes of 0036].

[0023] The Examiner indicates that Rudolph describes dynamic creation. Applicant respectfully disagrees. Rudolph describes an application programming interface for a multimedia processing system that provides flexibility and modularity by

providing interfaces for a system that separate the flow information from the maintaining of stream state multimedia components. The interfaces allow core layer components such as media sink components to determine a media stream for output from the multimedia processing system and a media source component coupled to supply media data for processing. The topology created in the system symbolically provides data flow information, *independent of maintaining a streaming state of control information*. Thus, a topology enables dynamic adding and removing multimedia components from the topology and is extensible symbolic abstraction of media objects that do not need instantiation. (Rudolph Para [0006])

[0024] Rudolph further describes that the modular system separates the data flow information from the actual maintaining of the streaming state of the “core layer components”, i.e., this system doesn’t contain any run time streaming state. Moreover, the topology concept, according to embodiments herein, provides a node system, including source nodes, transform nodes, splitter nodes, tee nodes and segment topology nodes. A node is a representation of the data flow in and out of a given core layer component. A node in a topology represents a point at which data will be flowing in or out (or both) of a single unique core layer component. The node concept extends the prior art filter graph concept to a dynamic and extensible concept that allow switching out of nodes, and swapping nodes *without affecting other nodes*. Rather than a system that *requires interconnectedness* for functionality, the system illustrated in Fig. 2 provides an independently configurable nodes system with interchangeable nodes. (Rudolph Para [0036])

[0025] In contrast, claim 1 recites “at least one node includes metadata, the metadata describing: *a collection of additional nodes to be dynamically modified* when

the media timeline is rendered.” Thus, the claim is directed towards nodes that affect one another within the media timeline. Rudolph, while mentioning “a dynamic and extensible concept”, is silent to dynamically modifying additional nodes when the media timeline is rendered.

[0026] Consequently, Rudolph does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Independent Claims 21, 33, 58, 76 and 77*

[0027] Independent claims 21, 33, 58, 76 and 77 each include at least one feature similar to the claimed features as explained above with respect to claim 1. For example, claim 21 recites “a collection of additional nodes to be dynamically modified when the at least one node is rendered,” claim 33 recites “wherein the media timeline is configured for dynamic updating such that metadata included in at least one node specifies a collection of nodes to be modified when the at least one node is loaded,” claim 58 recites “at least one node is dynamically updated in response to the at least one node being created,” claim 76 recites “metadata describing one or more properties for rendering the corresponding media,” and claim 77 recites “such that metadata included in the at least one node created specifies a collection of nodes to be loaded when the media timeline is rendered.” Thus independent claims 21, 33, 58, 76 and 77 are allowable over the cited reference for at least similar reasons as claim 1. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.



Dependent Claims 2, 4-5, 7-9, 11-14, 22-26, 28, 30-32, 34-35, 37-40, 59-62, 64-65, 78-79, 82-83 and 89

[0028] These claims ultimately depend upon of independent claims 1, 21, 33, 58 or 77. As discussed above, claims 1, 21, 33, 58 or 77 are allowable over the cited reference. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable over the cited reference at least for the same reasons the base claim is allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0029] For example, claim 7 recites “a URL property for the media referenced by the at least one node; a source object property that specifies a source object which can resolve to a media source that provides the media referenced by the at least one node; a source object ID property that specifies a unique identifier of the source object; a start time property that specifies when rendering of the at least one node is to begin with respect to another node; a stop time property that specifies when rendering of the at least one node is to stop with respect to another node; a media start property that specifies a time, during a duration of the media referenced by the at least one node, that rendering of the media is to be started; a media stop property that specifies a time, during a duration of the media referenced by the at least one node, that rendering of the media is to be stopped; a time format property that specifies a time format for at least one of the start time property, the stop time property, the media start property, and the media stop property; a stream selection property which specifies one of a plurality of streams for rendering of the media referenced by the at least one node; a format based property that specifies a format for the media referenced by the at least one node; a loop count property that specifies a number of times the at least one node is to be rendered; a

disabled property that specifies whether the at least one node is to be rendered when the media timeline is rendered; a generic property that serves as a repository of information related to the at least one node, wherein the generic property is configured for specification by at least one of the application and a timeline source for rendering the media timeline; a noskip property that specifies that the rendering of the at least one node is not to be skipped when the media timeline is rendered; and a noskip child property that specifies that the at least one node has another node, which is a child of the at least one node, which specifies that the rendering of the other node is not to be skipped when the media timeline is rendered.”

[0030] Applicant respectfully submits that claim 7 has not been properly rejected because the Office Action does not address each claimed element as specified above. The Examiner merely indicates the reference describes “a start time property” (Please see OA p. 3). There is no indication that Rudolph describes or suggests the other elements as recited in this claim. Thus, Applicant requests that the Examiner withdraw the rejection of this claim.

#### Independent Claim 15

[0031] Applicant submits that Rudolph does not anticipate this claim because it does not disclose at least the following features as recited in this claim, as amended (with emphasis added):

“configured for dynamic creation such that at least ***a first node grouping*** is created while ***a second node grouping*** in the media timeline is being rendered;”

[0032] As previously discussed above with respect to claim 1, Rudolph describes an application programming interface for a multimedia processing system that provides flexibility and modularity by providing interfaces for a system that separate the flow information from the maintaining of stream state multimedia components. (Rudolph Para [0006]) The topology concept provides a node system, including source nodes, transform nodes, splitter nodes, tee nodes and segment topology nodes. A node is a representation of the data flow in and out of a given core layer component. A node in a topology represents a point at which data will be flowing in or out (or both) of a single unique core layer component. The node concept extends the prior art filter graph concept to a dynamic and extensible concept that allow switching out of nodes, and swapping nodes ***without affecting other nodes***. Rather than a system that ***requires interconnectedness*** for functionality, the system illustrated in Fig. 2 provides an ***independently configurable*** nodes system with interchangeable nodes. (Rudolph Para [0036])

[0033] In contrast, claim 15 recites that “at least ***a first node grouping*** is created while ***a second node grouping*** in the media timeline is being rendered.” Thus, the node groupings are groups of nodes that relate and affect each node within the group. Rudolph, on the other hand, does not describe a nodes relating to the groupings as specified in this claim.

[0034] Consequently, Rudolph does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

### Dependent Claims 16-18 and 20

[0035] These claims ultimately depend upon independent claim 15. As discussed above, claim 15 is allowable over the cited reference. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable over the cited reference at least for the same reasons the base claim is allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

### Independent Claim 41

[0036] Applicant submits that Rudolph does not anticipate this claim because it does not disclose at least the following features as recited in this claim, as amended (with emphasis added):

“In a media timeline exposed via an application programming interface, the media timeline having a plurality of nodes, at least two of which reference respective media, one or more nodes each having metadata that references a node grouping, a method comprising:

utilizing a computer to load a first node for rendering;

*examining metadata* associated with the first node to determine *a first node grouping* to be loaded in conjunction with the first node;

loading each node referenced by *the first node grouping*;

rendering the first node grouping;

examining *a second node in the first node grouping* to determine *a second node grouping*, wherein the examining the second node in the first node grouping is performed during the rendering of the first node grouping;

loading each node referenced by the second node grouping;  
and

rendering the second node grouping when the rendering of the  
first node grouping is completed, wherein:

the media timeline *is configured for dynamic creation*  
where at least a third node is created while the media timeline  
is being rendered, the dynamic creation of the third node  
being performed by a node source *that includes data that  
defines properties and interrelationships of the created third  
node with respect to one or more nodes in the first node  
grouping or one or more nodes in the second node  
grouping*; and

at least a fourth node is configured for *communication  
of an initiated event to a fifth node which has subscribed to  
receive events initiated by the fourth node*, such that a  
change is made to one or more nodes in the media timeline  
that are affected by the initiated event, wherein the one or  
more nodes of the media timeline that are affected by the  
initiated event are dynamically updated.”

[0037] As previously discussed above with respect to claim 1, Rudolph describes an application programming interface for a multimedia processing system that provides flexibility and modularity by providing interfaces for a system that separate the flow information from the maintaining of stream state multimedia components. (Rudolph Para [0006]) The topology concept provides a node system, including source nodes, transform nodes, splitter nodes, tee nodes and segment topology nodes. A node is a representation

of the data flow in and out of a given core layer component. A node in a topology represents a point at which data will be flowing in or out (or both) of a single unique core layer component. The node concept extends the prior art filter graph concept to a dynamic and extensible concept that allow switching out of nodes, and swapping nodes ***without affecting other nodes***. Rather than a system that ***requires interconnectedness*** for functionality, the system illustrated in Fig. 2 provides an ***independently configurable*** nodes system with interchangeable nodes. (Rudolph Para [0036])

[0038] In addition to the reasons explained above with respect to claims 1 and 15, Applicant submits that Rudolph does not anticipate claim 41 because Rudolph does not describe including “***data that defines properties and interrelationships of the created third node with respect to one or more nodes in the first node grouping or one or more nodes in the second node grouping;***” and “at least a fourth node is configured for ***communication of an initiated event to a fifth node which has subscribed to receive events initiated by the fourth node***, such that a change is made to one or more nodes in the media timeline that are affected by the initiated event, wherein the one or more nodes of the media timeline that are affected by the initiated event are dynamically updated.”

[0039] Instead, Rudolph is directed towards nodes that do not affect one another. Thus, Rudolph does not describe the properties and interrelationships or subscription as specified in claim 41.

[0040] Consequently, Rudolph does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

### Independent Claims 49, 66 and 84

[0041] Independent claims 49, 66 and 84 each include at least one feature similar to the claimed features as explained above with respect to claim 41. For example, claims 49 and 66 each specify initiating an event for communication.” Rudolph fails to describe this feature. Claim 84 specifies “properties and interrelationships,” “a group of nodes,” and “communication of events.” Thus independent claims 49, 66 and 84 are allowable over the cited reference for at least similar reasons as claim 41. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

### Dependent Claims 44-45, 47-48, 50-57, 67-68, 70-75, 85-87 and 90

[0042] These claims ultimately depend upon one of independent claims 41, 49, 66 or 84. As discussed above, claims 41, 49, 66 and 84 are allowable over the cited reference. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable over the cited reference at least for the same reasons the base claim is allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

### **Dependent Claims**

[0043] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## **Conclusion**

[0044] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

/Jacob Rohwer 61,229/ Dated: 1/5/2009

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